IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3724 of 2006
Date of decision : 21.9.2006

National Insurance Company Limited.

....Appellant

Versus

Sanjay

...Respondent

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.D.K.Dogra, Advocate
for the appellant.

...

UMA NATH SINGH, J.(Oral)

In this F.A.O. by the insurance company against award dated 8.3.2006 passed by the Learned Presiding Officer, Motor Accident Claims Tribunal, Karnal in M.A.C.T. Case No.180 of 2005, awarding a sum of Rs.70,852/- with 6% per annum interest, admittedly, the policy indicates that extra premium for covering bodily injury to owner of the vehicle when he was driving it is mentioned. That apart, item 64 (accident of unnamed hirer, driver, pillion passengers) which was referred to by learned counsel during his submission also indicated modes of assessment of compensation in such cases. Further, the policy is comprehensive in nature and there is no dispute that the owner and vehicle both were covered. Learned counsel submitted that the vehicle was sold out to one Sanjay and it was registered in his name on transfer, but the insurance policy

was not transferred. However, in view of judgment of this Court, as referred to in para 12 of the impugned award, mere failure to inform the insurance company about the transfer of vehicle would not exonerate the insurer from liability.

Accordingly, we do not find any merit in the appeal and the same is dismissed in limine.

(UMA NATH SINGH)
JUDGE

21.9.2006

(MAHESH GROVER)
JUDGE

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